

## **LEVEE DISTRICT NO. 1 OF SUTTER COUNTY**

### **RESOLUTION NO. 07-03**

#### **FOR CEQA CERTIFICATION OF THE ENVIRONMENTAL IMPACT REPORT (EIR) FOR THE FEATHER RIVER SETBACK LEVEE PROJECT AT STAR BEND**

**WHEREAS**, Levee District No. 1 of Sutter County (the District) proposes to construct a new setback levee on the Feather River at Star Bend (proposed project) to replace a segment of the river's existing levee that currently constricts flood flows in the river and presents an unacceptably high risk for levee failure due to seepage concerns; and

**WHEREAS**, in accordance with all applicable legal requirements, a Draft EIR on the proposed project was prepared and circulated for public review and comment on February 21, 2007 through April 6, 2007 and was provided to applicable responsible and trustee agencies; and

**WHEREAS**, the District received comment letters on the Draft EIR and prepared written responses to all substantive comments and included these responses in the Final Environmental Impact Report for the Feather River Setback Levee Project at Star Bend (Final EIR); and

**WHEREAS**, the Final EIR for the proposed project was prepared pursuant to all applicable requirements of the California Environmental Quality Act ("CEQA"); and

**WHEREAS**, the Final EIR was presented to the District Board of Directors (the Board), and the Board reviewed and considered the information contained in the Final EIR prior to approving the project; and

**WHEREAS**, the Final EIR reflects the lead agency's independent judgment and analysis; and

**WHEREAS**, the Final EIR found that the proposed project would have one or more significant environmental effects and has prepared findings for each identified significant impact in accordance with the requirements of Section 15091 of the State CEQA Guidelines (as amended); and

**WHEREAS**, a mitigation monitoring and reporting plan has been prepared to address implementation of each mitigation measure identified in the Final EIR in accordance with Section 15097 of the State CEQA Guidelines (as amended);

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of Levee District No. 1 of Sutter County as follows:

1. **Final EIR.** The District hereby certifies that:
  - a) the Final EIR on the Feather River Setback Levee Project at Star Bend has been completed in compliance with CEQA;
  - b) the Board reviewed and considered the information contained in the Final EIR prior to approving the project; and
  - c) the Final EIR reflects the lead agency's independent judgment and analysis.
2. **Findings.** For the proposed project and the Final EIR, and in accordance with the requirements of Section 15091 of the State CEQA Guidelines, the District makes findings presented in *Feather River Setback Levee at Star Bend Project Final EIR: Findings of Fact and Statement of Overriding Considerations* (dated May 2007).
3. **Mitigation Monitoring and Reporting Program.** The District hereby adopts the Mitigation Monitoring and Reporting Program presented in Chapter 3 of the Feather River Setback Levee Project at Star Bend Project Final EIR.
4. **Project Approval.** The District Board hereby approves the Project (as described in the Final EIR) with incorporation of the mitigation measures described in the Mitigation Monitoring and Reporting Plan, and authorizes the District General Manager and his designees to proceed with Project implementation in accordance with District policies and budget, applicable public bidding and procurement requirements, and the mitigation measures described in the Mitigation Monitoring and Reporting Plan.
5. **Notice of Determination.** The District Board hereby authorizes and directs the General Manager or his designee to prepare, sign and file a CEQA Notice of Determination with the Sutter County Clerk within five days from the date of this action.

**PASSED AND ADOPTED** by the Board of Directors of Levee District No. 1 of Sutter County on the 14th day of May, 2007 by the following vote:

**AYES:** Francis Silva and Alfred Montna

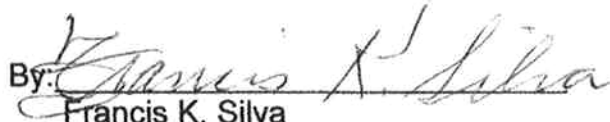
**NOES:**

**ABSTAIN:**

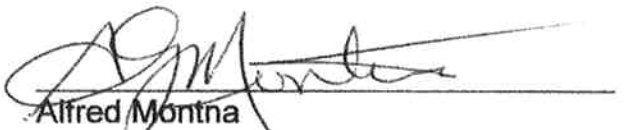
**ABSENT:** Mike Vinson

Signed by us after its passage on May 14, 2007.

**Levee District No. 1 of Sutter County**

By:   
Francis K. Silva  
President, Board of Directors

Attested by:

  
Alfred Montna  
Temporary Secretary, Board of Directors

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**Certification**

I hereby certify that the attached resolution is a full, true and correct copy of the original document on file at the Levee District No. 1 of Sutter County District office, and that this certification was executed on May 14, 2007 in the County of Sutter, California.

By:   
Alfred Montna, Temporary Secretary